

W  
DPC 2687



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Cannon 112-102

In re application of: Cannon et al.

Serial No.: 09/777,889  
Filed: 2/7/01  
Matter No.: 992.1206

Group Art Unit: 2687  
Examiner: Nguyen, Khai Minh  
Phone No.: 571-272-7923

For: Cordless Telephone Active-Call Enabled Intercom

**PETITION TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Notice of Abandonment mailed on 4/5/07, the Applicant files this Petition to withdraw the improper holding of abandonment for the above-referenced patent application.

On 3/9/06, the Examiner issued a Final Office Action. In response, the Applicant filed an Amendment on 5/9/06. The Examiner issued an Advisory Action on 6/6/06. On 6/20/06, the Examiner held an Interview with the Applicant's attorney Kevin Drucker. In the Interview, the Examiner said he would vacate the pending Final Office Action and issue a new action. To confirm this, on 6/28/06, the

\* \* \* \*

Certification Under 37 CFR 1.8

Date of Deposit April 13, 2007.

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MARY E. CANIZ.  
(Name of person mailing)

Mary E. Caniz.  
(Signature of person mailing)

Examiner mailed an Interview Summary (copy attached as Exhibit A) stating, "In accordance with the discussion with applicant's representative, Kevin Drucker, the previous final office action is vacated and a new office action will be issued."


However, the Examiner never issued any new office action. Instead, on 4/5/07, the Examiner issued a Notice of Abandonment, alleging that no reply was received in response to the 6/6/06 Advisory Action.

Since the Examiner vacated the Final Office Action and said he would be issuing a new office action, and since the Examiner failed to issue a new office action, the Examiner improperly held this application abandoned.

In view of the foregoing, the Applicant requests that this Petition be granted, that the improper holding of abandonment for this application be withdrawn, and that a new office action or notice of allowance be issued.

Respectfully submitted,

Date: 4/13/07  
Customer No. 46900  
Mendelsohn & Associates, P.C.  
1500 John F. Kennedy Blvd., Suite 405  
Philadelphia, Pennsylvania 19102

  
\_\_\_\_\_  
Kevin M. Drucker  
Registration No. 47,537  
Attorney for Applicant  
(215) 557-6657 (phone)  
(215) 557-8477 (fax)

# EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,889	02/07/2001	Joseph M. Cannon	Cannon 112-102	3320
46900	7590	06/28/2006	EXAMINER	
MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
MENDELSON & ASSOCIATES



## Interview Summary

Application No.

09/777,889

Applicant(s)

CANNON ET AL.

Examiner

Khai M. Nguyen

Art Unit

2617

All participants (applicant, applicant's representative, PTO personnel):

(1) Khai M. Nguyen.

(3) Kevin Drucker.

(2) George Eng.

(4) \_\_\_\_\_.

Date of Interview: 16 June 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Tsukada et al. (U.S. Pat-4640987).

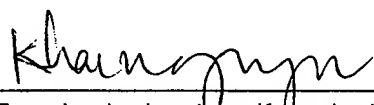
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In accordance with the discussion with applicant's representative, Kevin Drucker, the previous final office action is vacated and a new office action will be issued.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required